

Notice of Allowability

Application No.

10/741,829

Examiner

Hashem Farrokh

Applicant(s)

DUPREY ET AL.

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/23/07.
2. ☒ The allowed claim(s) is/are 1,3-5,9,11,12,16 and 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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PART I **THE EXAMINER'S EVALUATION OF THE APPLICATION**

SECTION A **RELEVANT ART CITED BY THE EXAMINER**

1. U. S. Patent No. 6,898,681 B2, to young describes Computer storage systems.
2. U. S. Patent Publication No. 2004/0260873 to Watanabe describes Method and apparatus for managing replication volumes.
3. U. S. Patent Publication No. US 2003/0182326 A1 to Patterson describes System and method for coalescing a plurality of snapshots.
4. U. S. Patent Publication No. 2003/0182330 A1 to Manley et al. describes Format for transmission file system information between a source and a destination.

SECTION B **DISTINGUISHING FEATURES RECITED IN THE CLAIMS**

The following is an Examiner's Statement of Reasons for Allowance See **MPEP 1302.14**

5. The primary reasons for allowance of claims 1, 3-5, 9, 11-12 and 16 in the instant application is the combination with the inclusion of the following limitations:

unprotecting the data copy after completion of the update by swapping the designation of transfer and tracking structures and designating the transfer data structure as the current tracking data structure.

6. The primary reasons for allowance of claim 17 in the instant application is the combination with the inclusion of the following limitations: **unprotecting the production data thereby allowing it to be written by swapping the designation of transfer and**

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tracking structures and designating the transfer data structure as the current tracking data structure.

The prior art of record including the disclosures of young (6,898,681 B2), Watanabe (2004/0260873), Patterson (US 2003/0182326 A1), and Manley et al. (2003/0182330 A1), neither anticipates nor renders obvious the above recited combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays should be clearly labeled "Comments on Statement of Reasons for Allowance"

PART II THE ATTENTION OF FUTURE CORRESPONDENT

*Any inquiry concerning this communication should be directed to Hashem Farrokh whose telephone number is (571) 272-4193. The examiner can normally be reached Monday-Friday from **8:00 AM to 5:00 PM.***

:IMPORTANT NOTE:

If attempt to reach the above noted Examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Donald A Sparks, can be reached on (571) 272-4201. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

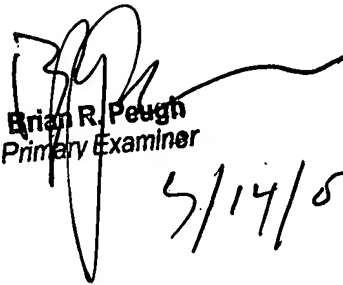
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access to the *Private PAIR* system, contact the *Electronic Business Center (EBS)* at
866-217-9197 (toll-free).

HR

HF

2007-05-12


Brian R. Peugh
Primary Examiner
5/14/07